

REMARKS

Claims 2, 3, 5, 6, 8, 10, 15-20, 22, 24 and 26 have been amended. Claims 2-26 remain in the application. Support for the amendments may be found in the Specification, specifically at Figure 1 and the associated text, and throughout the disclosure. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested.

Claim Rejections Under 35 U.S.C. 101

Claims 2-26 were rejected under 35 U.S.C. 101 on the grounds that “[t]he disclosed invention is inoperative and therefore lacks utility,” indicating that the claims are not supported by a computer system or computer readable medium. Applicant has amended the claims solely for the purpose of reciting specifically that certain steps are performed by a central computer. The computer at the central notification center is disclosed in multiple locations throughout the specification, specifically at: page 11, lines 1-7 (where it is referred to as the “central notification server” – it should be noted that those of skill in the computer arts universally recognize that a “server” is a computer); page 14, lines 11-22; and FIGS. 1 and 5 (where the central notification processing center is in communication with the Global Computer Network – thus indicating that the central notification processing center must include a computer). Furthermore, in discussing the flow chart figures (FIGS. 3A, 3B, 3C and 6), the disclosure discusses program steps performed by “the system” and in several places indicates that “the system” is programmed to execute certain steps (*e.g.*, p. 9, ll 28-29 and p. 11, l. 1). Clearly, the only reasonable inference that would be drawn by those of skill in the computer arts is that “the system” includes a computer.

Thus, the disclosure clearly shows a computer-operated system and the claimed aspects of the computer-operated system are fully enabled, both in the description of the hardware (such as is shown in FIGS. 1, 2 and 5, and the programming of the computer system (such as is shown in FIGS. 3A, 3B, 3C and 6). The amendments to the claims, which are fully supported by the disclosure, make it clear that the claimed invention is operable with a computer. Therefore, the

invention is operable.

The Examiner may not assert lack of utility “[i]f the applicant has asserted that the claimed invention is useful for any particular practical purpose ... and the assertion would be considered credible by a person of ordinary skill in the art....” [MPEP 2107(B)(1)] The standard for establishing utility is whether a person of ordinary skill in the art would immediately appreciate why the invention is useful based on the characteristics of the invention. [MPEP 2107(B)(1)(ii)] While the Specification is replete with statements of utility, several clear examples of this are found at the following locations in the Specification: page 7, lines 14-18; page 8, lines 6-11; page 10, line 29; page 15, lines 6-7. Furthermore, Applicant hereby asserts that clearly, the invention has utility in that it facilitates such entities as utilities in coordinating the activities of its technicians in responding to alarm events. Thus, applicant has sufficiently asserted at least one credible assertion of specific and substantial utility pursuant to MPEP 2107(B)(1) and, therefore, the utility requirement has been satisfied.

It is believe that this rejection has been overcome by the amendments to the claims and, therefore, Applicant respectfully requests that the claims be allowed.

Claim Rejections under 35 U.S.C. 112

In Paragraph 5 of the Action, Claims 2-26 were rejected under 35 U.S.C. 112 as failing to comply with the enablement requirement. Applicant believes that the amendments to the claims overcome this rejection by specifying that the operations are executed by the central computer. Applicant restates that the programming of the central computer is enabled specifically with the flow charts, and accompanying discussion, of FIGS. 3A, 3B, 3C and 6 and through the exemplary out graphic user interface shown in FIG. 4.

In computer-related inventions, the standard for sustaining a rejection under section 112 is that “the examiner must present a factual analysis of a disclosure to show that a person skilled in the art would not be able to make and use the claimed invention without resorting to undue

experimentation.” [MPEP 2106.02] Applicant asserts that, given that the Specification provides detailed schematic diagrams and flow charts, a person of ordinary skill in the art would be able to make and use the invention without resorting to undue experimentation and, therefore, the rejection should be withdrawn.

Paragraph 6 of the Action seems to restate the enablement rejection of paragraph 5. Applicant reasserts that the claims, as amended, are fully enabled to one of skill in the art. Applicant has presented the hardware layouts and the relationships between the various physical elements in FIGS 1, 2 and 5 (and the corresponding discussion in the specification) and the programming of the hardware in FIGS. 3A-3C, 4 and 6. It would be well within the ability of one of ordinary skill in the computer arts to make and use the claimed invention without undue experimentation.

Paragraph 7 of the Action asserts that “the specification ... does not reasonably provide enablement for transmission medium in claim language.” Applicant respectfully traverses this ground for rejection. On page 8, lines 16-17, the Specification gives specific examples of the transmission medium. It has long been well known in the art to transmit codes electronically over such media as pagers and wireless telephones. One of ordinary skill in the art could readily determine how to transmit event codes for any such medium by looking up the transmission protocol in the technical manual for the specific transmission device used. Thus, one of ordinary skill in the art could make and use the claimed invention without undue experimentation and, therefore, the claims are properly enabled.

Paragraph 8 states that “[t]he claim(s) are narrative in form an replete with indefinite and functional or operational language.” Applicant respectfully asserts that, as the claims are all method claims, they necessarily contain functional or operational language. Applicant also respectfully asserts that all of the claims conform to standard U.S. claiming format.

Paragraphs 9 and 10 state that Claims 2-26 are rejected under 35 U.S.C. 112, second paragraph. “A rejection based on the failure to satisfy this requirement is appropriate only where

applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined in the claims.” [MPEP 2172] Applicant has not made any statement anywhere that would indicate that “the invention is something different from what is defined in the claims.” Applicant asserts that it did not make any statement in the Response to the First Office Action that would imply that “the invention is something different from what is defined in the claims.” Furthermore, even if a statement in the Response could be construed to imply a different conclusion, Applicant merely amended its claims according to suggestions made by the Examiner. To the degree that this has resulted in a shift in the nature of the claims, MPEP 2172 III specifically states that “[t]he second paragraph of 35 U.S.C. 112 does not prohibit applicants from changing what they regard as their invention during the pendency of the application.” Thus, even if Applicant has changed the focus of the claims as a result of making the Examiner-suggested amendments in the Response (which Applicant respectfully traverses), Applicant is allowed to do so. Therefore, Applicant respectfully asserts that each claim particularly points out the subject matter which Applicant regards as the invention and, therefore, respectfully requests that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. 103

Claims 2-26 were rejected as being unpatentable over Groath in view of Perholtz.

Rejection as applied to Claim 6

Regarding Claim 6, initially, the Action states that Groath (col. 1, ll. 30-40; col. 16, ll. 6-17; and col. 120, ll. 1-14) discloses “transmitting to a first individual, via a not-automatically receipt confirmed transmission medium a first data packet that includes a first event code, the first event code corresponding to a first event.” However, none of the cited passages disclose any of the limitations of this element in Claim 6: Groath, col. 1, ll. 30-40 only discusses links within a network – it makes no mention at all of transmitting to any individual anything and certainly makes no mention of transmitting an event code; Groath, col. 16, ll. 16-17, only describes a

protocol for running scripts using FTP (file transfer protocol) and, again, makes no mention at all of transmitting an event code to any individual; Groath, col. 120, l. 1 does mention sending an “alphanumeric text page to an arbitrary pager,” and mentions that it is part of an event notification routine, but it provides no information as to what the text page relates to. Thus, the citations relative to the first element in Claim 6 do not teach or suggest this element.

The Action then states that Groath, col. 7, ll. 20-52 and col. 12, ll. 38-48, discloses “requesting that the first individual respond with the first event codes.” However, col. 7, ll. 20-52 is only a discussion of an event loop program used to control a graphic user interface (*see*, ll. 24-28). Col. 12, ll. 38-48 only discusses an off-the-shelf software product called “BMC Patrol,” which is “an event correlation application which uses behavior models to correlate network conditions, identify critical problems, filter out superfluous events and take appropriate actions.” (*see* ll. 34-37). Clearly, BMC Patrol has nothing at all to do with “requesting that the first individual respond with the first event codes,” as recited in the second element of Claim 6. The combination of these two citations still adds nothing and, thus, they do not teach or suggest this element.

The Action then states that Groath, col. 118, l. 11-col. 119, l. 63, discloses “if the first individual responds by transmitting the first event codes then identifying the event from the first event codes,” as recited in the third element of Claim 6. However, the cited passage of Groath only discusses tracking events on a network. The events are internal computer operation events such as “Standard: Cold Start”; “Enterprise Specific: Cisco 7500”; “Generac Trap sent by NNM’s”; “sndmsg.” (*See*, Table 24, col. 119, l. 37.) There is no teaching or suggestion at all in the cited passage of the first individual transmitting any type of event code, nor of identifying an event from the event code in the cited passage. Thus, this element is not taught or suggested by Groath.

The Action then states that Groath, col. 15, ll. 60-67, discloses “transmitting instructions relating to the event to the first individual.” However, the cited passage merely discusses using

FTP (file transfer protocol) to run scripts. There is no discussion at all of transmitting instructions to an individual, nor is there any mention of any instructions relating to the event. Thus, this element is not taught or suggested by Groath.

Then Action then states that Groath, col. 8, ll. 13-18 and col. 173, ll. 60-67, discloses transmitting to a "second individual an indication that the second individual is not required to respond to the first event." However, col. 8, ll. 13-18 only discusses what a programmer is to provide in the context of discussing the difference between "Frameworks" and "Class Libraries." This is in the context of the computer software developer environment and does not relate in any way to an alarm management system for various remote cites. Furthermore, col. 173, ll. 60-67 teaches only that completion notices are *mailed* with information regarding whether servers were backed up the previous night and makes no mention at all of sending a message to an individual telling him that he does not need to respond to an event. Thus, this element is not taught or suggested by Groath.

The Action then states Groath does not teach any of the following elements of Claim 6: (e.) transmitting to a second individual ... a data packet that includes a second event code that corresponds to the first event; (f.) requesting that the second individual respond to the second event code; and (g.) identifying the first event and the second individual from the second event code. The Action makes *no* assertion that any other reference teaches or suggests these elements. Therefore, Claim 6 is presumably allowable.

Nonetheless, the Action discusses Perholtz, stating that Perholtz discloses the following: "an alert system warning to one or more designated persons a plurality of events" [abstract]; "wherein an alert code is delivered to a pager" [col. 7, ll. 36-56]; and "including Workstation Failure alert, total power alert, Smoke/Loud Sound alerts" [col 37, ll. 27-47]. Firstly, none of these things that Perholtz is alleged to disclose in any way teaches or suggests any of the elements recited in Claim 6. Claim 6 recites a system that has the advantage of automatically providing notifications of alarms to technicians wherein there is automatic accountability that insures that

the technicians respond to the alarms. Perholtz discloses a system that lacks that accountability. Secondly, the abstract of Perholtz only generally discusses an "auto dialer" alert notification system, which has limitations overcome by the claimed invention. (*See*, Present Application, p. 1, l. 28-p. 2, l. 4 for a discussion of such a system.) Also, col. 7, ll. 36-56, only discusses display of a computer error message on a workstation display and col. 37, ll. 27-47 merely discusses sending telephone warning messages using an autodialer. The Action also references col. 51, ll. 36-57, which merely states that alerts are generated by the system and that they are recorded in a log file. Clearly, none of these features teach any of the limitations recited in Claim 6.

Therefore, it is clear that not a single one of the limitations recited in Claim 6 are taught or suggested by Groath or Perholtz, either alone or in combination. Applicant believes that this rejection has been overcome and respectfully requests that Claim 6 be allowed.

Rejection as applied to Claim 2

The Action states that Perholtz discloses identifying the first individual from the first event code. The cited passage only discloses only that an alert message is displayed on a screen. However, there is no mention anywhere in Perholtz of identifying anyone from an event code. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 2 be allowed.

Rejection as applied to Claim 3

The Action states that "Groath-Perholtz disclose identifying the first individual from a caller identification data packet received from a telephone [Perholtz, a workstation monitors the progress of telephone calls placed by the unit, col 29 lines 7-19]" However, cited passage merely discusses monitoring of telephone call progress. It makes no mention *at all* of identifying individual from a caller identification data packet received from a telephone."

Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 3 be allowed.

Rejection as applied to Claim 4

The Action states that “Groath-Perholtz disclose the first event comprises all alarm at a selected location [Perholtz, Workstation Failure alert, col 37 lines 27-47].

16. As per claim 5, Groath-Perholtz disclose maintaining a record of the telephone call received from the first individual [Perholtz, the applicable recorded voice message, abstract].” Yet none of the cited passages in any teach or suggest the limitations recited in Claim 4. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 4 be allowed.

Rejection as applied to Claim 7

The Action states that “Groath-Perholtz disclose the instructions include directions to a location of the first event [Groath, network element geographic location data, network element event data, col 35 lines 39-52].” However, Groath merely uses the words “network element geographic location data,” but says nothing about providing “directions to a location of the first event.” Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 7 be allowed.

Rejection as applied to Claim 8

The Action states that “Groath-Perholtz disclose selecting the first individual from a plurality of individuals based upon a pre-selected set of criteria [Groath, predetermined

criteria, col 2 lines 7-24; col 110 lines 30-35; col 118 lines 1-10].” However, none of the passages in Groath mention the selection of an individual ... based on pre-selected criteria. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 8 be allowed.

Rejection as applied to Claim 9

The Action states that “Groath-Perholtz disclose the pre-selected set of criteria include at least one of the following: a. who of the plurality of individuals is currently on duty; b. who of the plurality of individuals is closest to a location of the first event; c. who of the plurality of individuals is currently not assigned to another event; and d. who of the plurality of individuals is most capable of responding to the first event as inherent features of the persons schedule to be notified of the alert [Perholtz, col 51 lines 36-57].” However, the cited passage discusses only what a computer does if optional devices are attached to an adapter port. There is no mention at all of a method for selecting who is to respond to an event, as recited in Claim 8. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 9 be allowed.

Rejection as applied to Claim 10

The Action states that “Groath-Perholtz disclose transmitting to a local facility an indication that the first event has occurred as inherent feature of a mobile switching center [Perholtz, a telephone switch, col 58 lines 37-58].” However, the cited passage merely describes a “call-with-voice” subroutine and makes no mention of “of transmitting from the central computer to a local computer at a local facility an indication that the first event has occurred,” as recited in Claim 10. Furthermore, as discussed above, none of the references teach or suggest all

of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 9 be allowed.

Rejection as applied to Claim 11

The Action states that “Groath-Perholtz disclose displaying information relating to the first event on a site accessible to a user via a global computer network [Groath, Internet, global information, col 8 lines 42-65].” However, the cited passage merely discusses use of HTTP protocol and makes no mention at all of displaying information relating to an event. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 11 be allowed.

Rejection as applied to Claim 12

The Action states that “Groath-Perholtz disclose the information includes a graphical display of a location of the first event [Groath, the graph may displayed via a browser, col 65 lines 49-52]. However, this passage simply states that the graph “may be a line graph, a bar graph, a boxplot graph ...” and makes no mention at all of “a graphical display of a location of the first event,” as recited in Claim 12. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 12 be allowed.

Rejection as applied to Claim 13

The Action states that “Groath-Perholtz disclose the information includes a graphical display of a nature of the first event [Groath, the graph may displayed via a browser, col 65 lines 49-52]. Applicant disputes the assertion as it is clear that the recited limitation is not found in the

cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 13 be allowed.

Rejection as applied to Claim 14

The Action states that “Groath-Perholtz disclose the information includes a graphical display of a current location of the first individual [Groath, the graph may displayed via a browser, col 65 lines 49-52].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 14 be allowed.

Rejection as applied to Claim 15

The Action states that “Groath-Perholtz disclose verifying that the first individual has responded to the first event by reading a personal identification of the first individual [Groath, User ID, col 73 lines 35-40].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 15 be allowed.

Rejection as applied to Claim 16

The Action states that “Groath-Perholtz disclose reading a personal identification apparatus at a location of the first event [Groath, User ID, col 73 lines 35-40].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage.

Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 16 be allowed.

Rejection as applied to Claim 17

The Action states that “Groath-Perholtz disclose the verifying comprises the step of reading biometric data at a location of the first event as inherent feature of database design [Groath, analyze and display the data as reports, col 35 lines 35-40].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 17 be allowed.

Rejection as applied to Claim 18

The Action states that “Groath-Perholtz disclose activating a service mode upon completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of subsequent events occurring at the first location to be ignored as inherent feature of database design [Groath, analyze and display the data as reports, col 35 lines 35-40].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 18 be allowed.

Rejection as applied to Claim 19

The Action states that “Groath-Perholtz disclose activating a service mode upon

completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of pending events occurring at the first location to be ignored as inherent feature of database design [Groath, analyze and display the data as reports, col 35 lines 35-40].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 19 be allowed.

Rejection as applied to Claim 20

The Action states that “Groath-Perholtz disclose instructing the first individual to follow a procedure to indicate acceptance of responsibility for the first event [Perholtz, Workstation Failure alert, Total Power failure alert, Smoke/Loud Sound alerts, col 37 lines 27-47; the persons schedule to be notified of the alert, col 51 lines 36-57].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 20 be allowed.

Rejection as applied to Claim 21

The Action states that “Groath-Perholtz disclose depressing a pre-selected button on a telephone handset [Perholtz, touch tone telephone, col 4 lines 55-58].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been

overcome and respectfully requests that Claim 21 be allowed.

Rejection as applied to Claim 22

The Action states that “Groath-Perholtz disclose transmitting a description of the first event to the first individual [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 22 be allowed.

Rejection as applied to Claim 23

The Action states that “Groath-Perholtz disclose the transmitting at least one instruction to the first individual as to how the first individual is to respond to the first event [Groath, utilizes FTP to run other scripts, col 15 lines 60-67].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 23 be allowed.

Rejection as applied to Claim 24

The Action states that “Groath-Perholtz disclose a plurality of events occurs at a location and wherein if the first individual responds to the first event then the first individual accepts responsibility for each of the events of the plurality of events [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For

these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 24 be allowed.

Rejection as applied to Claim 25

The Action states that “Groath-Perholtz disclose allowing the first individual to selectively accept responsibility for each of the events of the plurality of events [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 25 be allowed.

Rejection as applied to Claim 26

The Action states that “Groath-Perholtz disclose receiving acceptance for the secondary event when the first individual indicates acceptance for the first event [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].” Applicant disputes the assertion as it is clear that the recited limitation is not found in the cited passage. Furthermore, as discussed above, none of the references teach or suggest all of the limitations of the claims from which this claim depends. For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that Claim 26 be allowed.

Applicant asserts that the claims were amended for the sole purpose of reciting that certain operations are performed by a computer to overcome the §101 rejections, and for no other purpose. Specifically, Applicant asserts that none of the claims were amended for the purpose of overcoming any of the substantive rejections under 35 U.S.C. §103.



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CONCLUSION

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all claims be allowed.

Request for Extension of Time

Applicant hereby requests a one-month Extension of Time to respond to the Office Action. A Form PTO-2038 authorizing the Commissioner to charge Applicant's Attorney's credit card \$100.00 to cover the extension (at the small entity rate) is enclosed herewith. No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 502666.

8/24/05
Date

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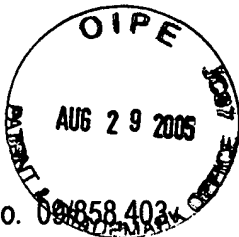
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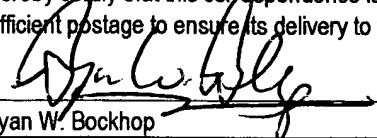
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